

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

PADDOCK LABORATORIES, INC.

Plaintiff,

v.

**NOVO NORDISK INC. AND
NOVO NORDISK A/S,**

Defendants.

C.A. No. 2:10-cv-12760-AC-DAS

Judge Avern Cohn

Magistrate Judge Donald A. Scheer

STIPULATED ORDER OF DISMISSAL

WHEREAS, on May 28, 2010, Novo Nordisk Inc. and Novo Nordisk A/S (collectively, “Novo Nordisk”) filed suit against Paddock Laboratories, Inc. (“Paddock”) in *Novo Nordisk Inc. & Novo Nordisk A/S v. Paddock Labs., Inc.*, Case No. 0:10-cv-02199 (D. Minn.) for (i) infringement of United States Patent No. 6,677,358; and (ii) a declaration that Novo Nordisk has not violated the antitrust laws of the United States;

WHEREAS, on July 13, 2010, Paddock (i) moved to dismiss the antitrust-related claim for declaratory relief in *Novo Nordisk Inc. & Novo Nordisk A/S v. Paddock Labs., Inc.*, Case No. 0:10-cv-02199 (D. Minn.); and (ii) filed the above-captioned action in the U.S. District Court for the Eastern District of Michigan against Novo Nordisk for alleged antitrust violations;

WHEREAS, on August 20, 2010, Novo Nordisk filed in the U.S. District Court for the District of Minnesota (i) its opposition to Paddock’s motion to dismiss the antitrust-related claim for declaratory relief in *Novo Nordisk Inc. & Novo Nordisk A/S v.*

Paddock Labs., Inc., Case No. 0:10-cv-02199 (D. Minn.); and (ii) a motion to enjoin Paddock from litigating its claims in the above-captioned action in the U.S. District Court for the Eastern District of Michigan;

WHEREAS, on November 30, 2010, the U.S. District Court for the District of Minnesota entered an order (i) denying Paddock's motion to dismiss the antitrust-related claim for declaratory relief in *Novo Nordisk Inc. & Novo Nordisk A/S v. Paddock Labs., Inc.*, Case No. 0:10-cv-02199 (D. Minn.); and (ii) enjoining Paddock from proceeding in this lawsuit (D.I. 51);

WHEREAS, Paddock presently intends to seek adjudication of its claims in the U.S. District Court for the District of Minnesota in the action captioned *Novo Nordisk Inc. & Novo Nordisk A/S v. Paddock Labs., Inc.*, Case No. 0:10-cv-02199 (D. Minn.);

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that the above-captioned action and all claims asserted by Paddock in its Complaint against Novo Nordisk are hereby dismissed without prejudice.

SO ORDERED.

Dated: December 15, 2010

s/Avern Cohn
U.S. District Court Judge

DATED: December 15, 2010

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